


FROM	NAME & TITLE	Gladys B. Gaskins, Director <i>G. Gaskins</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Human Resources 201 E. Baltimore Street, #300		
	SUBJECT	OIG Memo Commission as Special Enforcement Officer Algie Epps		

TO

DATE:

November 18, 2010

David N. McClintock
Inspector General
Office of Inspector General
640 City Hall
100 North Holliday St.
Baltimore, MD 21202

The Department of Human Resources has reviewed your memo of October 29, 2010 concerning Mr. Algie Epps and his failure to obtain Certification as a Special Enforcement Officer from the Baltimore City Police. Please see our findings below.

07/13/02005 - Algie C. Epps applied for Housing Inspector.

The minimum qualifications for Housing Inspector at this time were:

2 years at an accredited college or university or graduation from an accredited high school or GED certificate and two years of experience in housing inspection work or completion of the two year Baltimore City Housing Inspector Apprentice Program. It also required a valid Maryland Class C noncommercial Drivers' License and eligibility to obtain a Certificate of Appointment as a Special Enforcement Officer by the Police Commissioner of the city of Baltimore within 6 months of hire. Failure to obtain or revocation of the Certificate of Appointment by the Police Commissioner is grounds for dismissal. The Certificate of Appointment requires the applicant to be 21 years of age and satisfactorily pass a fingerprint and background investigation conducted by the Baltimore City Police Department.

As Mr. Epps never participated in the Housing Inspector Apprentice Program, he would have had to have either 2 years of education at an accredited College or University or have high school and two years of experience in housing inspection work.

credit for at least 2 years of housing inspection experience he was given
months]. [2 years, 2
and,
[5 years, 3 months]

Only the Department of Housing and Community Development utilizes the Housing Inspector Classification Series. Therefore, under the delegated authority granted to HCD, HCD's Human Resources staff members would have conducted the evaluation and approval of Mr. Epps' application for this position. Our records indicate that there was no initial rejection or appeal of his application.

DHR would have to question granting credit for housing inspection experience for Mr. Epps.

since the intent of the specification is clearly for experience conducting inspections for housing code violations, ~~however, going by the~~ Mr. Epps most likely utilized language referring to conducting site inspections of Commercial & Residential properties and the specification did not specify inspections for housing code violations.

10/17/2005 – Hired as Housing Inspector by HCD

The position was a position of trust at this time, which required the agency to request a Criminal Background Investigation. However, since this was prior to the implementation of HRIS, there was no point at which all hires and promotions were reviewed against a master list to ensure that CBI's were submitted prior to hire. Our records indicate that HCD did not submit a Criminal Background Investigation for Mr. Epps. A CBI at that time would have indicated Mr. Epps arrest on 13 July 2004, although he had not yet been convicted.

The Department of HCD was also in violation of the certification requirements for this position as at the time of hire the specification required all employees to obtain a Certificate of Appointment as a Special Police Officer by the Police Commissioner as a condition of employment. While the end date is not specified, it is inferred that the Department will submit a request for certification to the Police Department within 6 months of hire.

The Specification clearly states that failure to obtain and to hold Special Officer certification is grounds for dismissal. This language means that this is a condition of employment required of all incumbents. The requirement to obtain the certification within one year of hire has been in place since December 2002 and was incorporated into the class specifications as a part of a three-grade increase to the Housing Inspector Class Series to restructure the work and improve the quality of the candidate pool. It was the clearly expressed intent of the agency that all new employees hired after December 2002 must have the ability to write citations. Only Housing Inspectors hired prior to December 2002 were "grandfathered" and allowed to retain their positions without Special Enforcement Officer Certification. **Had the agency wished to exempt some new hires, the language would have stated that employees in some positions were required to have certification as a Special Enforcement Officer.** Application for Special Enforcement Officer at this time would have indicated Mr. Epps' July 13, 2004 arrest.

This was an open, graded examination. The application would have been evaluated and approved by HCD staff. Mr. Epps was approved without question. Mr. Epps would not have qualified for a promotion for this class based upon his time as a Housing Inspector as he had not been in the position for even one full year. The class specifications require 2 more years of experience in housing inspections than the journey-level class of Housing Inspector. This indicates that Mr. Epps was given credit for having 4 full years of housing inspection experience.

At this time Mr. Epps had only 5 months of City Housing Inspection experience. DHR would again question the approval of credit for the time spent as experience in conducting housing inspections.

07/15/2006 – Promoted to Senior Housing Inspector

The position was a position of trust at this time, however as with Mr. Epps' initial hire in 2005, this was prior to the HRIS-encoded verification of CBI submission and DHR has no record of HCD submitting a background investigation for Mr. Epps for this position. A CBI at this time should have produced evidence of Mr. Epps' 2004 arrest and his convictions on February 6, 2006

Eligibility for and certification as a Special Enforcement Officer was required of all candidates hired after December 8, 2002 as Housing Inspector Senior. Once again, there is no indication that HCD submitted any request for certification as a Special Enforcement Officer. Application for Special Enforcement Officer at this time should have produced evidence of Mr. Epps' 2004 arrest and his conviction on February 6, 2006.

In failing to require Mr. Epps to submit a CBI or to file an application for Special Enforcement Officer HCD is in violation of the conditions of employment as stated on the class specification for all employees placed in this class after December 8, 2002. The violation is compounded by the fact that these were also conditions of employment in his prior classification of Housing Inspector.

06/29/2007 – Applied for Assistant Superintendent of Housing Inspections

On June 15, 2007, the specification for Assistant Superintendent of Housing Inspections was revised at the request of HCD to require certification as a Property Maintenance and Housing Inspector by the International Code Council (ICC). Language was also added to the statement regarding Certificate of Appointment as a Special Enforcement Officer. The statement was revised from *Candidates must be eligible to obtain a Certificate of Appointment as a Special Enforcement Officer by the Police Commissioner of the City of Baltimore within 6 months of hire* to: ***Candidates hired after 12/08/02 must obtain a Certificate of Appointment as a Special Enforcement Officer by the Police Commissioner of the City of Baltimore pursuant to Article 19, Subtitle 71 "Special Enforcement Officers" of the Baltimore City Code within 6 months of hire. Failure to obtain or revocation of the Certificate of Appointment by the Police Commissioner are grounds for dismissal.*** DHR's records state that these changes were discussed with senior staff. This language was on the specification and the examination announcement.

The minimum qualifications required *a bachelor's degree and three years of experience in performing housing inspection work involving exterior and interior housing inspection work of large multiple family dwellings, hotels, rooming houses, commercial establishments and domiciliary care facilities and buildings.* This language is taken from the distinguishing features of the classification of Housing Inspector Senior. That indicates that in order to be qualifying, work experience for the three years would need to be at the level of a Housing Inspector Senior. Under that interpretation of the minimum qualifications, Mr. Epps should only have been given credit for the time he spent as a Housing Inspector Senior -- 11 months and 2 weeks. Even presuming that Mr. Epps' prior work experience would qualify to offset the bachelor degree on a year for year basis

and that his experience as a Housing Inspector would qualify, Mr. Epps was short by two years and one month. Mr. Epps was initially rejected for this title, but was approved upon appeal. The appeal would have been conducted by DHR, but we no longer have the records of this, so are unable to verify what additional information Mr. Epps submitted in order to be approved.

10/22/2007 – Promoted to Assistant Superintendent of Housing Inspections

As stated above, it is very clear based upon the 2007 revision of the specification that all employees hired or promoted into this class after 2002 were required to pass a CBI to fulfill the requirements of its Position of Trust status and that all employees were required to obtain Certification as a Special Enforcement Officer within six months of hiring and to obtain Property Maintenance and Housing Inspector Certification by the International Code Council (ICC) within one year.

This promotion was after the implementation of HRIS. Therefore, HCD was required to initiate a CBI request prior to promoting Mr. Epps. Our records indicate that the request was placed on 9/21/2007 and completed 9/24/2007. The report indicates his conviction on 12 counts of theft and 1 of conspiracy. At this time, DHR did not make a recommendation on the results of a CBI, but forwarded them directly to the hiring agency. Mr. Epps' promotion was entered into HRIS on October 29, 2007 to be effective on October 22, 2010.

However, it appears the agency was already aware of Mr. Epps' criminal history at this time as they submitted the initial application for Certification as a Special Enforcement Officer on June 9, 2007 and had already received the Police Department's rejection of his application dated September 26, 2007 which listed all his convictions as well as the fact that he had supplied false information to the Police Department regarding his criminal history. He was therefore promoted into this position with full knowledge that he would be unable to comply with the certification requirement. The agency further allowed him to delay obtaining the required ICC certification for 2 months beyond the one-year deadline.

Mr. Epps' case raises a number of troublesome issues for Baltimore City and all involved administrative agencies. It is clear that the Department of Housing and Community Development was not sufficiently rigorous or knowledgeable in evaluating applications against minimum qualifications or Mr. Epps would not have been given housing inspection credit for his time as a security guard or as a pest control sales agent. In light of this, DHR needs to review the delegated recruitment authority granted to the Department of Housing and Community Development and provide additional training with emphasis on interpreting and applying minimum qualifications. This case also indicates that DHR needs to make greater efforts to validate the initial evaluations by delegated authority agencies when addressing appeals. In retrospect, it appears that DHR was not sufficiently specific in crafting the Housing Inspector minimum qualifications and will therefore initiate a revision of the series to specify experience in inspecting houses for housing code violations. We will also be more specific as to the nature and scope of experience required before an employee may qualify for supervisory levels within this class series to ensure that employees who qualify for such high level positions

have sufficient experience in performing complex inspection, administrative and supervisory tasks.

The issue of post-hire certifications is difficult to address administratively. The nature of certain certifications is such that they cannot be attained prior to employment. DHR cannot screen for possession of such certifications as part of the recruitment process. Therefore, DHR can only state the requirements along with the deadlines for obtaining such certifications and if renewals are required. It is incumbent upon the hiring agency staff to ensure that employees comply with all stated licensing requirements and to take the proper corrective actions by demoting or removing employees who cannot comply with conditions of employment. The Department of Housing and Community Development should implement a system to verify licensure and certifications to ensure that all employees comply with the conditions of employment. DHR will continue to explore the capacity of the HRIS to define licensing requirements and to link them to both job classifications and employees; but our initial investigations indicate that it will require a full-scale implementation, be highly labor-intensive and require consistently high levels of cooperation from Agency human resource staff to be cost-effective.

DHR is very responsive to agency requests for revisions to specifications including licensing and qualifications as long as they are consistent with professional best practices and legal requirements. Agencies may not take it upon themselves to establish different sets of criteria for individual employees or to deviate from the published classification standards. Given the circumstances of disregarding the licensing requirements and conditions of employment in this instance and to reinforce the seriousness of complying with certification requirements and the material disclosed in criminal background investigations in order to avoid similar occurrences in the future. DHR feels that disciplinary action is advisable for all those involved in knowingly disregarding the conditions of employment in promoting and retaining Mr. Epps in classes for which he cannot meet the conditions of employment.

If I may be of any further assistance to you in this matter, please do not hesitate to contact me on 6-1565.

C: Sophie Dagenais